



Serial No. 08/452,395
Docket No. 5634.0065

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6-3-01
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

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Group 2600

In re Application of:

John C. Harvey and James W. Cuddihy:

Group Art Unit: 2699

Serial No.: 08/452,395

Examiner: Luther, W.

Filed: May 26, 1995

Atty Dkt: 05634.0065

**For: SIGNAL PROCESSING APPARATUS
AND METHODS**

Information Disclosure Statement

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /BL/

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited by or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120: 1138 OG 37, 38 (May 19, 1992).

Applicants have checked the appropriate boxes below.

- ☐ 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required. 37 C.F.R. § 1.97(b).
- ☒ 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance. 37 C.F.R. § 1.97(c).
 - ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
 - ☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
 - ☒ c. Attached is our Check No. 3426 in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

- ☐ 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. It is hereby requested that the Information Disclosure Statement be considered. Attached is our Check No. 3426 in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(i). 37 C.F.R. § 1.97(d).
- ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ c. An accompanying petition requesting consideration of this Information Disclosure Statement and the petition fee set forth in 37 C.F.R. § 1.17(i) are included with this communication. 37 C.F.R. § 1.97(d)(2) & (3).
- ☐ 4. Relevance of the non-English language document(s) is discussed in the present specification. 37 C.F.R. § 1.98(a)(3).
- ☒ 5. A concise explanation of the relevance of the non-English language document(s) appears below in Appendix A. 37 C.F.R. § 1.98(a)(3).
- ☒ 6. Some documents were cited in corresponding foreign applications.
- ☒ 7. The Examiner's attention is directed to Applicants' co-pending U.S. Patent Applications that are directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application

and the art cited therein during examination. 37 C.F.R. § 1.98(d). Attached hereto is Appendix B listing Applicants' related applications, and Appendix C that lists the prior art previously cited by the PTO in those applications.

- [X] 1. Copies of the documents were cited by or submitted to the Office in Applicants' Applications listed in Appendix D which are relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d). Applicants submit Appendix E which contains a list of all references not hereto previously cited in the instant application.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

A single set of copied references required by 37 C.F.R. § 1.98(a) have been submitted in conjunction with this communication in Applicant's application number 08/113,329 in compliance with the PTO's instructions in the First Office Action of the above referenced application.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-0206.

Respectfully submitted,



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|-----------------------------------------------------------------------|-----------------------------------------------------|------------------------|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT CITATION FORM | Attorney Docket No. | Serial No. |
| | 05634.0065 | 08/452,395 |
| | Applicant(s) John C. Harvey and James W. Cuddihy | |
| | Filing Date May 26, 1995 | Group Art Unit 2699 |

UNITED STATES PATENT DOCUMENTS

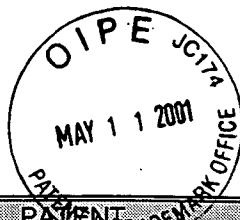
| EXAMINER INITIAL | PATENT NUMBER | PATENT DATE | NAME | CLASS/ SUBCLASS | FILING DATE* |
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| | 2,573,349 | October 30, 1951 | Miller et al. | 725/14 | December 9, 1949 |
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| | 3,371,071 | February 27, 1968 | Webb | 428/355EN | January 18, 1965 |
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| | 3,703,684 | November 21, 1972 | McVoy | 725/16 | June 25, 1971 |
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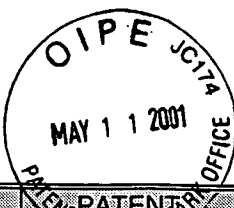


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| EXAMINER INITIAL | PATENT NUMBER | PATENT DATE | NAME | CLASS/ SUBCLASS | FILING DATE* |
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